

**CITY OF MORGAN HILL  
JOINT REGULAR CITY COUNCIL AND  
REDEVELOPMENT AGENCY MEETING  
MINUTES – JUNE 2, 2010**

**CALL TO ORDER**

Mayor/Chair Tate called the Joint Regular City Council and Redevelopment Agency meeting to order at 7:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Council Members: Carr, Lee, Librers, Tate  
Absent: Council Members: Sellers (arrived at 7:09 p.m.)

**DECLARATION OF POSTING OF AGENDA**

Deputy City Clerk McVay certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS**

None presented.

**PRESENTATIONS**

Business Recycler of the Year: Fox Racing

Mayor Tate introduced Julie Alter, Recology South Valley who presented an award to Fox Racing.

Red Cross Recognition of Morgan Hill as Most Prepared City

Mayor Tate shared an emergency services video and presented Emergency Operations Officer Ponce who was unable to attend, Commander Sampson and Ken Huelick with the most prepared City award.

**CITY COUNCIL REPORTS**

Council Member Sellers reported that he will not be running for re-election and encouraged members of the community to consider running for public office. Council Member Sellers shared that the elected position is a difficult but gratifying position and encouraged that each speak to others who hold a political office for perspective.

### **CITY MANAGER'S REPORT**

City Manager Tewes reported on supplemental items received after the compilation of the agenda packet. Item 14 which lacked the proper noticing by the paper of record and information related to the Budget.

### **CITY ATTORNEY'S REPORT**

None to report.

### **OTHER REPORTS**

None reported

### **PUBLIC COMMENT**

None

## ***City Council and Redevelopment Agency Action***

### **ADOPTION OF AGENDA**

Mayor/Chair Tate announced that there were no changes to the Agenda.

***Action:*** *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Carr Adopting the Agenda as posted. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

## ***City Council Action***

### **CONSENT CALENDAR:**

Council Member Carr announced that he lives within 500 feet of the project and abstained from Consent Calendar Item 1.

***Action:*** *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Lee Approving the Consent Calendar Items 1 through 13 with Council Member Carr abstaining himself on Agenda item 1. The motion passed by the following vote: Ayes: 5, Noes: 0, Absent: 0.*

1. **Adopt Ordinance No. 1987, New Series, an Ordinance of the City Council of the City of Morgan Hill Approving an Amended Development Agreement for the Wright Avenue-Manana Project Located at the Northwest Corner of Wright Avenue and Hale Avenue Recommended Action(s):** Waive the reading, and **Adopt** Ordinance No. 1987, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.  
(Carr Abstained)

2. **Adopt Ordinance No. 1980, New Series, an Ordinance of the City Council of the City of Morgan Hill Amending Article II, The Standards and Criteria of the Residential Development Control System as set forth in Chapter 18.78 of the Morgan Hill Municipal Code**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1980, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
3. **Adopt Ordinance No. 1981, New Series, an Ordinance of the City Council of the City of Morgan Hill Approving an Amended Development Agreement for the Jasper Park Project Located at the Southwest Corner of East Dunne Avenue and San Benancio Drive**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1981, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
4. **Adopt Ordinance No. 1982, New Series, an Ordinance of the City Council of the City of Morgan Hill Approving an Amended Development Agreement for the San Pedro Alcini Project Located at the Northwest Corner of San Pedro Avenue and Church Street**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1982, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
5. **Adopt Ordinance No. 1983, New Series, an Ordinance of the City Council of the City of Morgan Hill Approving an Amended Development Agreement for the Sherimar Ranch Project Located on the South Side of Diana Avenue 500 Feet East of Murphy Avenue**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1983, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
6. **Adopt Ordinance No. 1984, New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for the E. Central-UHC Project Located at the Southeast Corner of E. Central and McLaughlin Avenue**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1984, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
7. **Adopt Ordinance No. 1985, New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for the Myrtle-Latala Project Located on the South Side of Myrtle Avenue 125 ft. East of Monterey Road**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1985, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

8. **Adopt Ordinance No. 1986, New Series, an Ordinance of the City Council of the City of Morgan Hill Amending the Development Agreement for the EAH Project Located at the Northeast Corner of East Dunne Avenue and the Railroad**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1986, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
9. **Adopt Ordinance No. 1988, New Series, an Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement for Application MC-08-13: Clayton-O'Brien (APN 726-48-012)**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1988, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
10. **Adopt Ordinance No. 1989, New Series, an Ordinance of the City Council of the City of Morgan Hill Establishing Chapter 13.30 (Urban Storm Water Quality Management and Discharge Control) and Amending Section 1.24.010 (Violations Deemed a Misdemeanor – Penalty) of the Municipal Code of the City of Morgan Hill to Reduce Water Pollution and Protect Water Quality and Specify that Violations are Misdemeanors**  
**Recommended Action(s):** Waive the reading, and Adopt Ordinance No. 1989, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
11. **Call for General Municipal Election to be Held on Tuesday, November 2, 2010**  
**Recommended Action(s):**
  1. Adopt Resolution No. 6330 calling for a General Municipal Election to be held on Tuesday November 2, 2010 to elect a Mayor and two City Council Members; and
  2. Adopt Resolution No. 6331 requesting the services of the County of Santa Clara – Registrar of Voters and the consolidation of the election.
12. **Approve the Joint Special City Council/Morgan Hill Unified School District/Board of Education Meeting Minutes for May 4, 2010**

***City Council and Redevelopment Agency Action***  
**CONSENT CALENDAR:**

13. **Approve the Joint Regular City Council and Redevelopment Agency Meeting Minutes for May 19, 2010**

## ***City Council Action***

### **PUBLIC HEARINGS:**

14. **2010 Brush Abatement Program Public Testimony and Scheduling of Public Hearing Recommended Action(s) Receive** public testimony; and schedule public hearing for meeting of June 16, 2010.

Environmental Programs Administrator Eulo presented the staff report.

Mayor Tate opened the public hearing at 7:20 p.m. hearing no requests to speak. The public hearing was closed.

**Action:** *Mayor Tate announced that a public hearing will be continued and scheduled for June 16, 2010.*

## ***City Council and Redevelopment Agency Action***

### **PUBLIC HEARINGS:**

15. **Public Hearing on Recommended FY 2010-11 Operating and Capital Improvement Program Budget** (Supplement Received)  
**Recommended Action(s) Open** and close public hearing; and discuss the FY 2010-11 recommended Budget.

Budget Manager Forbis presented the staff report and presentation (presentation and supplement filed). Recreation and Community Services Director Rymer presented proposed revisions to the recreation budget related to increased membership and general fund expenses, and one-time funding for senior services.

In response to Council/Agency Member Lee concerning Community Recreation Center (CRC) membership, Recreation and Community Services Director Rymer shared that there are options under consideration but increasing revenues may not be an option and other considerations for voluntary programs are being considered.

City Manager Tewes shared that the increase are due to revised numbers for the CRC and Aquatics Center (AC).

In response to Council/Agency Member Lee concerning anticipated revenues and membership, Recreation and Community Services Director Rymer stated that he supports an increase in the total number of memberships rather than increasing membership rates.

In response to Council/Agency Member Lee concerning cutting hours, Recreation and Community Services Director Rymer shared that services for seniors will remain the same for the existing year, and the teen center will reduce by one hour.

In response to Council/Agency Member Librers concerning voluntary membership fee, Recreation and Community Services Director Rymer shared that the program would begin on July 1. He also shared that this is for program services and not for the senior nutrition program.

In response to Council/Agency Member Librers concerning existing membership, Recreation and Community Services Director Rymer shared that added fees for existing members has not been addressed.

In response to Council/Agency Member Sellers return on investment; Recreation and Community Services Director Rymer shared that this enhances revenues by \$25,000 and increases expenses by the same amount so there is no change in cost-recovery.

In response to Council/Agency Member Carr concerning new members and expansion of the Center, Recreation and Community Services Director Rymer shared that they are projecting 3,200 units and increasing monthly trends; and that marketing and community's interest in health and wellness is the affect.

In response to Council/Agency Member Lee concerning total revenue, Recreation and Community Services Director Rymer shared that \$25,000 is CRC/AC membership, \$4,000 from voluntary membership, \$25,000 contribution from the YMCA, which is being applied towards senior services.

City Manager Tewes shared that current revenues, expenditures and balances are included in the Preliminary Budget on page 308.

In response to Council/Agency Member Carr concerning processing times and activity levels, Budget Manager Forbis shared that it is based on peak times and the current economy and based on the reality of today.

City Manager Tewes shared that existing inspectors are responsible for 25 inspections per day, which is possible, although if there is an increase in inspections, there is an increase in funding and thus additional staffing will be needed.

Budget Manager Forbis reviewed the schedule for budget adoption.

Mayor/Chair Tate opened the public hearing at 7:43 p.m.

- Julie Starling
- John Castro
- Dan Kenney
- Kim Ferm, Director of Santa Clara County United Way Silicon Valley, (handout filed)
- Bernie Mulligan
- Dori Prado
- Michael Mazeli
- Jim Kirkpatrick
- Perla Flores
- Dennis Kennedy
- Earle Dart
- Brandy Periera
- Stephanie Garcia

Hearing no further requests to speak, the public hearing was closed at 8:08 p.m.

Council/Agency Member Sellers spoke of suggested budget changes, which could have impacts that are irreparable. Council/Agency Member Sellers requested a review for assistance to the 211 Program, Domestic Violence Assistance and funding, and requested that services for teens be reviewed.

Council/Agency Member Librers concurred with finding additional funding for the 211 Program and Domestic Violence programs.

In response to Mayor/Chair Tate concerning funding from the County of Santa Clara for programs, City Manager Tewes explained that more than a year ago, the City agreed to facilitate a grant that was previously administered by the County, which allowed the City to hire an additional police officer and funding for other programs. If grant monies are received, Morgan Hill taxpayers will be asked to pay \$80,000 in programs that do not directly serve the City.

In response to Council/Agency Member Carr concerning similar levels of work related to domestic violence, City Manager Tewes shared that grant funding will support a police officer who will be working on Morgan Hill issues and grant information will be available in September.

In response to Mayor/Chair Tate concerning the computer pilot program, City Manager Tewes shared that access to the computer room will not change, although a fee is being recommended for hours outside of the senior program.

Mayor/Chair Tate spoke of taking risks and that estimates have not been conservative enough; and that Senior Center activities are only secure for the fiscal year 2010-11; and requested that the Chill-Out Program is secure with reduced hours, the program will remain.

Council Member Carr spoke of the two-hour reduction presented on May 28, Recreation and Community Services Director Rymer shared that operating hours will be affected although allowing for maximum flexibility for the least amount of impacts.

Council/Agency Member Lee commented on the risks the City is taking by reducing reserves and that continued reductions is not advisable. She is also concerned about losing programs, although is concerned with funding sources and losses of other programs.

Mayor/Chair Tate shared his support of the 211 Program and that revenue sources must be identified to retain programs, in addition to supporting funding programs once funding sources are identified in the future.

Council/Agency Member Librers shared her interest in working on the task force for the Senior Center.

**Direction** to staff to review funding sources to provide assistance for the 211 Program, Domestic Violence Assistance and funding, and requested that services for teens are reviewed.

## ***City Council Action***

### **OTHER BUSINESS:**

#### **16. Resolution Declaring End of Level 1 Water Supply Shortage**

**Recommended Action(s): Approve** Resolution declaring an end to level 1 water supply shortage.

Environmental Programs Administrator Eulo presented the staff report.

In response to Council Member Carr concerning watering days, educating and monitoring residents' water use, Environmental Programs Administrator Eulo shared that program is based on complaint basis in which case notices are mailed, and education is done through marketing including on the cable network.

In response to Council Member Lee concerning the number of complaints received, Environmental Programs Manager Eulo shared that approximately 20, which are received on a complaint basis.

Mayor Tate opened the public comment, hearing no requests to speak. The public hearing was closed.

***Action:*** *On a motion by Council/Agency Member Sellers and seconded by Council/Agency Member Carr Approve Resolution No. 6332 declaring an end to level 1 water supply shortage. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

### **FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:**

Mayor Tate requested an item on a future agenda that addresses changing the elected City Clerk and City Treasurer positions to appointed positions for the upcoming election.

Mayor/Chair Tate convened to the Joint Regular City Council meeting to closed session meeting at 8:28 p.m.

## ***City Council Action***

### **CLOSED SESSION:**

City Attorney Wan read the closed session item into the record.

### **OPPORTUNITY FOR PUBLIC COMMENT**

None.

### **ADJOURN TO CLOSED SESSION**



**CONFERENCE WITH LABOR NEGOTIATOR:**

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution #6304
	AFSCME Local 101

**RECONVENE**

Mayor/Chair Tate reconvened the meeting at 8:38 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Manager Tewes reported that no reportable action was taken during closed session.

**ADJOURNMENT**

There being no further business, Mayor/Chair Tate adjourned the meeting at 8:38 p.m.

**MINUTES PREPARED BY:**

  
\_\_\_\_\_  
TINA McVAY, DEPUTY CITY CLERK

